

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1387 Putnam County Development Authority/Codification
SPONSOR(S): Pickens
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>9 Y, 0 N</u>	<u>Sheheane</u>	<u>Highsmith-Smith</u>
2) <u>Local Government & Veterans' Affairs</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill codifies all prior special acts relating to the Putnam County Development Authority into a single act. The bill does not appear to substantially alter current law pertaining to the authority.

According to the Economic Impact Statement, there are no anticipated new, increased, or decreased revenues for fiscal years 2003-2004 or 2004-2005. The Economic Impact Statement also indicates that the Authority does not compete with any other entity and helps create jobs and employment for the open market.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Putnam County Development Authority into a single act and repeals all prior special acts relating to the authority’s charter. The bill does not appear to substantially alter current law pertaining to the authority.

Background

The Putnam County Development Authority was created in 1961 by chapter 61-2727, Laws of Florida, and has been subsequently amended by 3 special acts.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district’s charter provisions. To ascertain the current status of a special district’s charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature and is codified in section 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended section 189.429, Florida Statutes to provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district’s ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district’s bonded indebtedness.

Status Statement Language

Section 189.404(5), F.S., provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary,

the status statement shall be amended to conform to the Department of Community Affairs' determination or declaratory statement regarding the status of the district.

C. SECTION DIRECTORY:

Section 1: States that this act constitutes the codification of all prior special acts relating to the Putnam County Development Authority.

Section 2: States that chapters 61-2727, 69-1522, 78-606, and 81-478, Laws of Florida, are amended, codified, reenacted, and repealed as herein provided.

Section 3: The charter is re-created and reenacted to read:

Section 1: This act is to be known as the "Putnam County Development Authority".

Section 2: Definitions:

(1) Defines "Authority".

(2) Defines "Project".

(3) Defines "cost of project".

Section 3: States the authority, creation, and purpose.

Section 4: Describes the membership, appointment process, and terms of office for the Authority.

Section 5: States that the Authority shall elect necessary officers.

Section 6: States that five members shall constitute a quorum and that a minimum of five affirmative votes are necessary for the transaction of business.

Section 7: Maintains that the members of the Authority are not compensated, but will be reimbursed for travel expenses incurred in the performance of duties as members of the Authority.

Section 8: Maintains that all incorporated cities within Putnam County are authorized to enter into contracts with the Authority as a public corporation.

Section 9: Powers and duties of the Putnam County Development Authority:

(1) To have a seal and alter the seal at its pleasure.

(2) To acquire, hold, and dispose of personal property, including stock of other corporations, for its corporate purposes.

(3) To enter into contracts with the County of Putnam and all incorporated cities therein.

(4) It shall acquire from the county, and Putnam County shall transfer to the Authority, the lands given to the county by Loveland and Tanner, Inc., for an industrial park by agreement dated September 30, 1969, and recorded in the official records of Putnam County.

(5) To acquire in its own name, real property or liens or easements or franchises necessary or convenient for its corporate purposes.

(6) To select and appoint agents for the Authority.

- (7) To make contracts when convenient or necessary for the Authority.
- (8) To construct and maintain projects located on property owned or leased by the Authority and to pay the cost of any such projects from the proceeds of revenue-anticipation certificates of the Authority.
- (9) To borrow money for corporate purposes.
- (10) To exercise any power granted by the laws of the state to public or private corporations not in conflict with the constitution and laws of Florida.
- (11) To do all things necessary to carry out the powers conferred in this act.
- (12) To adopt, alter, or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted.
- (13) To issue revenue-anticipation certificates for the purpose of paying all or any part of the cost of any project of the Authority.
- (14) To perform such powers and duties as may be authorized from time to time by the Legislature.
- (15) To be deemed a "local agency" as pursuant to 159.27(4), F.S.

Section 10: The Authority shall not be empowered to create a debt against the state, the County of Putnam, or any of the incorporated cities therein.

Section 11: The books and records of the Authority shall be audited at least annually at the expense of the Authority.

Section 12: This act shall be liberally construed for the purpose of developing and promoting this act for the public good.

Section 13: Severability clause.

Section 4: Chapters 61-2727, 69-1522, 78-606, and 81-478, Laws of Florida, are hereby repealed.

Section 5: This act shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 11, 2003.

WHERE? Palatka Daily News, Palatka, FL

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.